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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,557	01/16/2004	Edward Eytchison	SONY-24100	8128

7590 03/03/2010  
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EXAMINER
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STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2448

MAIL DATE	DELIVERY MODE
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03/03/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,557	EYTCHEISON, EDWARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	AARON STRANGE	2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 38-45 is/are allowed.
- 6) ☒ Claim(s) 1-18, 20-27, 29-36, 46 and 47 is/are rejected.
- 7) ☒ Claim(s) 19, 28 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pp. 20-1, filed 12/4/2009, with respect to the rejection of claims 19, 28, 37, 44 and 45 have been fully considered and are persuasive.

Accordingly, the rejection of claims 19, 28, 37, 44 and 45 has been withdrawn.

2. Applicant's amendments and accompanying arguments (Remarks 11-12) have been fully considered and are persuasive. Accordingly, that rejection has been withdrawn.

3. Applicant's remaining arguments filed 12/4/2009 have been fully considered but they are not persuasive.

4. As an initial matter, it is noted that Applicant's arguments regarding claims 1-18, 20-27, 29-36, 38-44, 46 and 47 rely upon features not appearing in the claims, such as tables of entries formatted such that each device within the network is discoverable by each other device (Remarks 11). This feature appears only in claim 38, although Applicant's arguments are directed to claims 1-18, 20-27, 29-36, 38-44, 46 and 47 collectively. Therefore, with respect to claims 1-18, 20-27, 29-36, 46 and 47, these arguments are not persuasive. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

5. Applicant again argues that Cheng teaches away from “a rendezvous type protocol utilizing Internet protocol” (Remarks 12). As discussed in some detail in the Office action of 9/24/2009 (§2&3), the Examiner respectfully disagrees.

Applicant maintains that modifying Cheng to bridge between multiple IP networks, in addition to bridging between IP and non-IP networks, would “change the principle of operation” of Cheng (Remarks 14). The Examiner respectfully disagrees, since mere addition of a feature to Cheng would not change its principle of operation. Cheng, modified to permit bridging between IP networks, would still be able to bridge between IP and non-IP networks. Additionally, such a modification would have furthered Cheng’s “object of this invention to provide a method and system that allows for the control of non-UPnP-compliant devices from a UPnP-compliant controller” (§¶9).

At no point does Cheng state that non-UPnP devices connected to an IP network could not or should not utilize the bridge taught by Cheng. The mere fact that Cheng fails to disclose an embodiment where non-UPnP devices connected to an IP network, such as the rendezvous type devices taught by Cheshire, use the bridges does not amount to a teaching away from doing so. Failure to teach is not a teaching away. One of ordinary skill in the art could have easily modified Cheng's bridge to communicate with rendezvous type devices and would have seen the benefits of doing so, such as allowing control of all devices on the network from a single controller, including devices connected to IP networks and devices connected to non-IP networks.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-18, 20-27, 29-36, 46 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng (US PGPub 2002/0078161) in view of Cheshire (US PGPub 2005/0044355).

8. In regards to claims 1 and 46 Cheng discloses, a method of bridging communications between a universal plug and play type device (**Fig. 1 #120**) and a rendezvous type device (**Fig. 1 #150-180**) (**¶0018 line(s) 1-5**) comprising:

- a. receiving a communication from the universal plug and play type device for the rendezvous type device (**¶0022 line(s) 1-4**);
- b. converting the communication into the rendezvous type protocol thereby forming a converted communication (**¶0022 line(s) 6-8**); and
- c. transmitting the converted communication to the rendezvous type device (**¶0022 line(s) 8-12**).

Cheng does not teach wherein the rendezvous type protocol utilizes Internet Protocol.

In the same field of endeavor Cheshire's teach rendezvous devices (**fig. 1 #102-110**) on a network (**fig. 1 #100**) using the Internet Protocol (**¶0025-0027**).

It would have been obvious to one of ordinary skill in the art to have rendezvous devices in an IP network taught by Cheshire for communicating with UPnP devices through a bridge as shown in Cheng, since the operation of the bridge is in no way dependent upon the type of network that the devices reside on, the combination with an IP network to achieve the predictable results of being able to communicate from UPnP devices to non-UPnP devices.

9. In regards to claims 2, 7, 12, 21, and 30 Cheng discloses, wherein the universal plug and play type device is coupled within a network of universal plug and play type devices (**Fig. 1 #100 and ¶0020 line(s) 12-19**).

10. In regards to claims 3, 8, 13, 22, and 31 Cheng discloses, wherein the rendezvous type device is coupled within a network of rendezvous type devices (**Fig. 1 #100 and ¶0020 line(s) 12-19**).

11. In regards to claims 4, 9 and 14, Cheng discloses, wherein converting the communication is performed by a conversion circuit (**Fig. 2 #220 and ¶0022**).

12. In regards to claims 5, 10, 15 and 33, Cheng discloses, wherein the conversion circuit is programmed by the universal plug and play type device or the rendezvous type device (**¶0040-¶0042**).

13. In regards to claims 6 and 47, discloses, a method of bridging communications between a rendezvous type device (**Fig. 1 #150-180**) and a universal plug and play type device (**Fig. 1 #120**) (**¶0018 line(s) 1-5**) comprising:

- d. a. receiving a communication from the rendezvous type device for the universal plug and play type device (**¶0022 line(s) 1-4**);
- e. b. converting the communication into the universal plug and play type protocol thereby forming a converted communication (**¶0022 line(s) 6-8**); and
- f. c. transmitting the converted communication to the universal plug and play type device (**¶0022 line(s) 8-12**).

Cheng does not teach wherein the rendezvous type protocol utilizes Internet Protocol.

In the same field of endeavor Cheshire's teach rendezvous devices (**fig. 1 #102-110**) on a network (**fig. 1 #100**) using the Internet Protocol (**¶0025-0027**).

It would have been obvious to one of ordinary skill in the art to have rendezvous devices in an IP network taught by Cheshire for communicating with UPnP devices through a bridge as shown in Cheng, since the operation of the bridge is in no way dependent upon the type of network that the devices reside on, the combination with an IP network to achieve the predictable results of being able to communicate from UPnP devices to non-UPnP devices.

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14. In regards to claim 11 Cheng discloses, a converter (**Fig. 1 #200**) configured to couple between a universal plug and play type device (**Fig. 1 #120**) and a rendezvous type device (**Fig. 1 #150-180**) to convert communications between the universal plug and play type device and the rendezvous type device into proper formats (**¶0020 line(s) 12-19**), comprising:

- g. a. a universal plug and play type interface circuit configured to couple to a universal plug and play type device operating under a universal plug and play type protocol (**Fig. 2 #210 and ¶0022 line(s) 1-6**);
- h. b. a rendezvous type interface circuit configured to couple to a rendezvous type device operating under a rendezvous type protocol (**Fig. 2 #250<sub>a-d</sub> and ¶0021**); and
- i. c. a conversion circuit coupled between the universal plug and play type interface circuit and the rendezvous type interface circuit (**Fig. 1 #200 and Fig. 2**), wherein the conversion circuit converts communications directed from the universal plug and play type device to the rendezvous type device into the rendezvous type protocol, and further wherein the conversion circuit converts communications directed from the rendezvous type device to the universal plug and play type device into the universal plug and play type protocol (**¶0022**).

Cheng does not teach wherein the rendezvous type protocol utilizes Internet Protocol.



In the same field of endeavor Cheshire's teach rendezvous devices (**fig. 1 #102-110**) on a network (**fig. 1 #100**) using the Internet Protocol (**¶0025-0027**).

It would have been obvious to one of ordinary skill in the art to have rendezvous devices in an IP network taught by Cheshire for communicating with UPnP devices through a bridge as shown in Cheng, since the operation of the bridge is in no way dependent upon the type of network that the devices reside on, the combination with an IP network to achieve the predictable results of being able to communicate from UPnP devices to non-UPnP devices.

15. In regards to claims 16, 25, and 34 Cheng discloses, wherein the converter is a stand-alone device (**Fig. 1 #200**).

16. In regards to claims 17, 26 and 35, Cheng discloses, wherein the converter is implemented within the universal plug and play type device or the rendezvous type device (**¶0090**).

17. In regards to claims 18, 27 and 36, Cheng discloses, wherein the universal plug and play type interface circuit comprises a universal plug and play type proxy (**Fig. 5 #220 and ¶0031**) which maintains a table of entries, each entry corresponding to a rendezvous type device (**Fig 5. #504 and ¶0035**).

18. In regards to claim 20 Cheng discloses, a converter (**Fig 1 #200**) configured for coupling between a universal plug and play type device (**Fig. 1 #120**) and a rendezvous

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type device (**Fig. 1 #150-180**) to convert communications between the universal plug and play type device and the rendezvous type device into proper formats (**¶0020 line(s) 12-19**), comprising:

- j. a. means for interfacing to a universal plug and play type device configured for coupling to the universal plug and play type device operating under a universal plug and play type protocol (**Fig. 2 #210 and ¶0022 line(s) 1-6**);
- k. b. means for interfacing to a rendezvous type device configured for coupling to the rendezvous type device operating under a rendezvous type protocol (**Fig. 2 #250<sub>a-d</sub> and ¶0021**); and
- l. c. means for converting coupled between the means for interfacing to a universal plug and play type device and the means for interfacing to a rendezvous type device (**Fig. 1 #200 and Fig. 2**) wherein the means for converting converts communications directed from the universal plug and play type device to the rendezvous type device into the rendezvous type protocol, and further wherein the means for converting converts communications directed from the rendezvous type device to the universal plug and play type device into the universal plug and play type protocol (**¶0022**).

Cheng does not teach wherein the rendezvous type protocol utilizes Internet Protocol.

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In the same field of endeavor Cheshire's teach rendezvous devices (**fig. 1 #102-110**) on a network (**fig. 1 #100**) using the Internet Protocol (**¶0025-0027**).

It would have been obvious to one of ordinary skill in the art to have rendezvous devices in an IP network taught by Cheshire for communicating with UPnP devices through a bridge as shown in Cheng, since the operation of the bridge is in no way dependent upon the type of network that the devices reside on, the combination with an IP network to achieve the predictable results of being able to communicate from UPnP devices to non-UPnP devices.

19. In regards to claim 23 Cheng discloses, wherein a conversion program used by the means for converting is stored within the means for converting (**¶0022**).

20. In regards to claim 24 Cheng discloses, wherein the means for converting is programmed by the universal plug and play type device or the rendezvous type device (**¶0040-¶0042**).

21. In regards to claim 29 Cheng discloses, bridge device (**Fig 1 #200**) configured for coupling between a universal plug and play type device (**Fig. 1 #120**) and a rendezvous type device (**Fig. 1 #150-180**) for converting communications between the universal plug and play type device and the rendezvous type device into proper formats (**¶0020 line(s) 12-19**), comprising:

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- m. a. a universal plug and play type interface circuit configured to couple to a universal plug and play type device operating under a universal plug and play type protocol (**Fig. 2 #210 and ¶0022 line(s) 1-6**);
- n. b. a rendezvous type interface circuit configured to couple to a rendezvous type device operating under a rendezvous type protocol (**Fig. 2 #250<sub>a-d</sub> and ¶0021**); and
- o. c. a conversion circuit coupled between the universal plug and play type interface circuit and the rendezvous type interface circuit (**Fig. 1 #200 and Fig. 2**), wherein the conversion circuit converts communications directed from the universal plug and play type device to the rendezvous type device into the rendezvous type protocol, and further wherein the conversion circuit converts communications directed from the rendezvous type device to the universal plug and play type device into the universal plug and play type protocol (**¶0022**).

Cheng do not teach wherein the rendezvous type protocol utilizes Internet Protocol.

In the same field of endeavor Cheshire's teach rendezvous devices (**fig. 1 #102-110**) on a network (**fig. 1 #100**) using the Internet Protocol (**¶0025-0027**).

It would have been obvious to one of ordinary skill in the art to have rendezvous devices in an IP network taught by Cheshire for communicating with UPnP devices through a bridge as shown in Cheng, since the operation of the bridge is in no way dependent upon the type of network that the devices reside on, the combination with an

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IP network to achieve the predictable results of being able to communicate from UPnP devices to non-UPnP devices.

22. In regards to claim 32 Cheng discloses, wherein a conversion program used by the conversion circuit is stored within the conversion circuit (**¶0022**).

### ***Allowable Subject Matter***

23. Claims 38-45 are allowed.

24. Claims 19, 28 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON STRANGE whose telephone number is (571)272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron Strange/  
Primary Examiner, Art Unit 2448